

## **TRURO PLANNING BOARD**

**Meeting Minutes - September 2, 2014 - 6:00 pm**

**Truro Town Hall**

**Members Present:** Leo Childs, Bruce Boleyn, Lisa Maria Tobia, Michael Roderick, Chris Lucy, William Worthington, and Steve Sollog

**Other Present:** Charleen Greenhalgh ATA/Planner, Attorney L. Jay Murphy, Lori Meads, Steve Roderick, Thomas Swensson, Kurt Raber, Sean Riley

Mr. Childs opened the meeting at 6:00 pm

### **2014-003 Seamen's Bank, Commercial Development Site Plan Review, 346 & 350 Route 6**

Representatives: Jay Murphy and Kurt Raber and Thomas Swensson from Brown Lundquist Fenuccio & Raber Architects, Inc. and Sean Riley from Coastal Engineering Co., Inc.

Mr. Childs opened the hearing by reading the notice into the record: the applicant seeks approval of an Application for Commercial Development Site Plan Review pursuant to §70.3 (previously §70.2) of the Truro Zoning By-law for the removal of an office building and a storage building and for the construction of a new commercial office building. The property is located at 346 & 350 Route 6, Atlas Map 39 Parcel 168 & 169. Mr. Sollog recused himself and moved to the audience.

Mr. Murphy explained the project now falls under the new zoning bylaw for Commercial Development Site Plan Review. The property is made up of #346 and #350; however the proposal is for the property and buildings at #346. Two buildings located at #346 Route 6 would be removed and a new single story building would be constructed. A new plan Sheet C2.2.1 was distributed showing an additional parking space, for a total of 41 spaces. There are no new changes to #350; except that the shared driveway for the two properties will continue. The use of the building will be for the loan department for Seamen's Bank.

Mr. Raber ran through the site plans, beginning with the existing plan. The existing curb cut was approved by Mass Highway when the bank was built (approximately 18 years ago). There is one (1) lane into the site and two (2) lanes exiting the site. He then reviewed the existing site plan showing the existing buildings. It is the intention to phase the project and to leave the front building while the new building is being constructed. The storage building would be removed first. He then reviewed the proposed site plan and described the parking. He then reviewed the landscape plan. The area of the storage building will be revegetated into a meadow, along with a drainage swale.

Mr. Swensson then reviewed the floor plans. A full basement is proposed. There is a total net area of 5900 s.f. The basement will be used for storage, a conference room and break room for employees, along with the elevator, stairs and bathrooms. The first floor was reviewed for the proposed loan building. The rear portion of the building will be an additional office space for rental. He then reviewed the elevations. The idea was to have the front of the building be the smaller elevation facing the street so as to provide for a smaller scale to the street view (and to be smaller in scale to the existing building at #350.)

Mr. Murphy then reviewed the requested waivers pursuant to Section 70.3.E:

- 3.b.2 (Existing Conditions), the plan provided is extensive; however does not provide all of the requirements.

- 3.c.4 (trees of 10” caliper to be located.)
- 3.c.9 (Existing drives), the existing curb cut is to remain.
- 3.c.10 and 3.c.13 – there is no outdoor storage proposed on the site.

Mr. Lucy asked why this did not go before the Cape Cod Commission (CCC); the combined square footage of buildings on both properties exceeds 10,000 sf and the total area to be disturbed exceeds 40,000 sf based on his calculations. Mr. Murphy suggested that this is subservient to the existing bank use and would not result in the need for review by the CCC. Mr. Lucy suggested that because of the common ownership it would trigger CCC review. Mr. Raber suggested that if the property was owned by a different owner, this could be done by right, up to 9,999 sf. In addition, this is a previously developed site. Mrs. Greenhalgh explained why she believes it does not trigger CCC review. She asked this question as well when she began her review of the plan. It is her understanding that because this is a redevelopment of a site; whereby the total area of the buildings will be decreased and based on the plan the coverage of the site will be 28,858 sf (slightly less coverage than the existing conditions) it would not trigger CCC review. If this was a vacant lot, it might be a different outcome.

Ms. Tobia asked about the need for the 41 parking spaces, she understands that the zoning requirements are being met; however could an area be used as reserve, which the Board can approve. Mr. Murphy explained that others, such as Auditors will be using the building, thereby necessitating the need for parking. He did discuss with the Board the ability to allow for reserve parking. He suggested that perhaps the 5 spaces at the front of the building be held as reserved. Ms. Tobia asked for the dimensions of the overall building. 112’ x 48’ are the “overall” dimension per Mr. Swensson; however there are a number of architectural recesses in the building.

Mr. Worthington asked about lighting and where these were to be installed. The cut sheets provided for the lighting are clear; however, he could not find the lights on a plan. Mr. Swensson referred to Sheet C2.2.1 the proposed site plan, which shows in the legend a symbol for a “light pole” and they are shown within the site. Mr. Worthington expressed that the proposed lighting exceeds the allowable lumens under the General Bylaws. Mr. Raber explained that there are 9 light poles and there will be recessed lights at the entranceways to the building. All lights are to be LED. The proposed lights show 3660 lumens, where only 1200 are allowed, despite the fact that the wattage is noted at 66 watts. The applicant expressed that they will modify the lighting so as to comply with the bylaw requirements.

Mr. Worthington also raised the question about water and that it is not a given that they will be able to access Provincetown Town Water. The property at #350 is currently served by Town Water. Mr. Raber stated that water is on-site already and the hope is to be able to hook into the Town Water currently serving #350. Mr. Childs was pleased with the plans, but did ask for an explanation of the drainage calculations and the drainage on the site. Mr. Riley reviewed the drainage. There will be downspouts from the building to leaching basins. The parking lot is sloped to the drainage swales, which will also accommodate runoff from the vegetated areas. There are catch basins within the swales, which are elevated 6”. This will allow the swales to accommodate smaller storms; however for larger storms the basins will accommodate the larger rainfall amounts. The basins will be checked twice a year (spring and late fall), so there will be an ongoing maintenance plan. The existing drainage located on the north side of the building will more than accommodate the drainage.

Mr. Murphy ran through the requirements of outlined in Section F and the reasons:

1. The proposal meets all zoning requirements
2. The new building and landscaping will be an asset.
3. The applicant agrees to modify the lighting so as to conform to the Town Bylaw.
4. There do not appear to be any significant natural, historic or scenic features.
5. The new building and landscaping will be an improvement over what exists now on the site and it will be an overall benefit to the Bank, as well as the Town. Improvement to the property, more taxes generated, etc.
6. A dumpster is provided, which will be enclosed. The records at the bank and loan center will either need to be retained or shredded.
7. A new Title 5 system is proposed and water will be addressed.
8. Mr. Riley explained the drainage previously.
9. There are no steep slopes within the site. It is a level site. Hay bales will be utilized if it is deemed necessary.
10. Vast landscaping is proposed and is in compliance.
11. The proposed building will be an enhancement to what exists now and it will be subservient to the main bank building.
12. Utilities are proposed to be underground as required.
13. There would be no excessive demands on town services. The building will have a low operational use. Little traffic.
14. The project will utilize the existing joint access driveway with the bank.
15. Safe vehicular and pedestrian access has been provided.
16. A bicycle rack has been provided at the front of the building.

Mr. Childs recapped concerns raised. Mr. Lucy was satisfied with Mrs. Greenhalgh's explanation of why this does not need to go to the CCC. Mr. Worthington is okay with the proposal provided the lighting is addressed. The Board agreed to allow the front parking spaces (5 spaces) to remain as reserved area and this could be covered with a condition in the decision. Mr. Lucy asked if there is adequate water pressure to provide the necessary pressure for sprinklers in the building. Test will be required for the proposed sprinkler system to ensure that the design will work, per Mr. Raber. Mr. Lucy also stated that there has been a disturbance at the rear of the storage building. There were trailers at the rear of the property which have been removed. These were left by a previous tenant. The Board deemed that the waivers are reasonable. Opened to the public for comment, there were no comments. Mr. Childs closed the hearing at 7:03p.m.

Ms. Tobia moved to approve the Application for Commercial Development Site Plan Review for Seamen's Bank (Case #20014-003) with conditions (1. Lighting shall be in conformance with the lighting requirements provided for in Chapter VI, Section 6 of the General Bylaws of the Town of Truro, and 2. Pursuant to §39.I of the Truro Zoning Bylaws, the Board agreed that the five (5) parking spaces at the front of the property (east side) shall be deemed reserved parking and shall not be required to be constructed until such time as they are needed) pursuant to §70.3 (previously §70.2) of the Truro Zoning By-law for the removal of an office building and a storage building and for the construction of a new commercial office building. The property is located at 346 & 350 Route 6, Atlas Map 39 Parcel 168 & 169. The Board found that the proposed project met the necessary criteria/design guidelines outlined in §70.3.F. Mr. Worthington seconded the motion and it was so voted to approve on a vote of 6-0-0. Mr. Sollog returned to the Board.

**Sustainable CAPE: Educational Farmers' Market Temporary Sign Permit**

The applicant seeks an amendment of its temporary sign permit for four (4) Temporary Signs for the Farmers' Market to be held at Pamet Park (Veterans Memorial Field), 20 Truro Center Road for the

month of September. The change is from Monday dates to Saturday dates or September 6, 13, 20 and 27<sup>th</sup>. Signs would be installed on the Wednesday before and removed on the Saturday afternoon. Mrs. Greenhalgh spoke to this request. This is a contingency plan for the Farmers Market, in the event that the vendors are able to change to a Saturday date. Mr. Worthington moved to allow for the contingency plan, seconded by Mr. Boleyn. In discussion Mr. Sollog asked about who gets the use of the property if there is a conflict. The use of the property is approved by the Board of Selectmen, so whoever received approval first. So voted unanimously 7-0-0.

**Review and Approve New Applications for Site Plan Review**

Ms. Tobia moved to approve the Site Plan Applications as presented with the minor correction on the Commercial form and with the inclusion of registry information. It was seconded by Mr. Lucy, so voted unanimously 7-0-0.

**Zoning to be reviewed**

The Board held a discussion on various zoning matters, which might be addressed at next year’s Annual Town Meeting. Mr. Childs noted that any proposals would need to be completed by January, which leaves 8 meetings between now and then. He noted that last year the Agricultural Commission provided draft changes to the Board, which needed additional work. These might be coming back to the Board.

Using a list provided by Mrs. Greenhalgh, the Board made the following assignments for each member to review and be prepared to discuss at the next meeting.

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| Mr. Worthington | <b>§30.2 – Note 2:</b> Relative to “Professional Office” - Why only 4 offices per lot allowed? There is a ZBA finding required, yet the use is permitted by right (not Special Permit Required.)  |
|                 | <b>§30.2 – Note 3: Relative to “Retail”</b> – The note reads “May include arts and crafts created on the premises.” Is this note necessary?   |
| Mr. Roderick    | <b>§30.2 – Note 4:</b> Perhaps this note should simply refer the reader to §40.5.   |
|                 | <b>§30.2 – Note 5:</b> Is this legal? Or, is this something (the finding by the ZBA that “a proposed use is not injurious or offensive or tends to reduce values in the same district...”) that the Town wants the ZBA to make a finding on?                                  |
| Mr. Sollog      | <b>§30.2 – Note 6:</b> Then how is it an “Accessory Use” if it is not located on the same parcel as the primary use.  |
|                 | <b>§30.10 Signs:</b> This is outdated and it doesn’t seem to be needed here.  |
| Ms. Tobia       | <b>§30.2 – Note 7</b> – Very outdated.  |
|                 | <b>§30.2 – Note 9</b> – Can’t seem to find this in the table  |
| Mr. Childs      | <b>§40.1 Duplex Houses and Apartments</b> – Item “C – ... may be created from any one single family dwelling...” this language may be restrictive in that it implies that an apartment is not to allow in a separate structures, such as an apartment over a detached garage. |
|                 | <b>§40.6 Growth Management</b> – Expires December 31, 2016. Should we be looking at this now? What impacts, if any, will the Comprehensive Wastewater Management have?  |
| Mr. Boleyn      | <b>§50.1 – Note #4, §50.1.D and §50.1.E</b> – Are these in conflict?  |
|                 | <b>§50.1.H</b> – Why is this needed if there are height limitations?  |
| Mr. Lucy        | <b>§60.1.D</b> – If the Building Commissioner declines to act, how or why would be  |

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|  | then respond in writing? Is this in conflict with MGL c.40A?   |
|  | <b>§60.6.A (2)</b> – Check with MGL 40A as to whether “an officer of the Town” can appeal the decision of the Building Commissioner. |

Many of these appear to be “housing keeping” items. The Board will also review the list of definitions which do not appear in the Use Table and items in the Use Table which are not defined.

**Cluster bylaw:** Mrs. Greenhalgh provided each member with a copy of a Model Open Space Design/Natural Resource Protection Zoning document prepared by Smart Growth, through the State of Massachusetts. After a brief discussion and realizing that this would take some time, the Board asked Mrs. Greenhalgh to send out an email through the MassPlanners ListServe to ask if any town has a cluster bylaw that they like and which, more importantly, works.

**Definition of Street:** Mr. Lucy suggested that the various definitions for “street” from across the Cape are consistent with language from State Statute. Ms. Tobia spoke to the comments by the Building Commissioner regarding a definition for frontage and that this might be a more simple way to address some of the issues. Mr. Childs agreed that frontage and street should be separate definitions. A discussion ensued. A number of different roads exist in Truro. In the case of roads in the Seashore, which the Seashore has no part in maintaining, it is up to the residents on the road to keep the road maintained. There was discussion about how one establishes criteria and standards for the variety of roads that exist in Town. There is not a “one size fits all”. The Board discussed that properties not meeting the current definition may need to go before the ZBA. What will they need, a variance, a special permit? The Board agreed to continue the discussion to the next meeting.

**Sign off on Updated Subdivision Rules and Regulations**

Mr. Worthington moved to sign the certification as true attest document, seconded by Ms. Tobia, so voted unanimously, 7-0-0. The Town Clerk will need to also attest to the copies and then a copy of each will be sent to the Registrar of Deeds and the Land Court.

**Next Meeting Date**

The Board agreed to hold the next meeting, scheduled for Monday, September 15, 2014, earlier in the day, at 3:30pm. It will likely be a work session for the Board Members unless an application or request is filed.

**Meeting Minutes**

Mr. Sollog moved to approve the August 19, 2014 meeting minutes as amended, seconded by Mr. Lucy, so voted 6-0-1 (Mr. Roderick)

The meeting adjourned at 8:03 pm.

Respectfully Submitted,

Charleen Greenhalgh  
ATA/Planner